



PUBLIC SAFETY COMMITTEE
September 26, 2016 3:30 P.M.
4th Floor Training Room, Municipal Building

CURRENT COMMITTEE MEMBERS:

Cecil Bothwell, Chair

Brian Haynes

Julie Mayfield

AGENDA

CALL TO ORDER

1. APPROVAL OF AUGUST MINUTES

2. UPDATES

a. Wall Street Programming

Dana Frankel, Downtown Development Specialist

3. UNFINISHED BUSINESS

a. Downtown Public Space Management Pilot

Paul Fetherston, Assistant City Manager

4. NEW BUSINESS

a. Volunteer Parking Enforcement Programs

Ken Putnam, Director of Transportation

4. PUBLIC COMMENT (5 CITIZENS, 3 MINUTES EACH)

NEXT MEETING: October 24, 2016, 3:30 P.M., 4th Floor Training Room, Municipal Building

ADJOURNMENT

For more information on the Public Safety Committee, please contact Alex Carmichael at 828-259-5602.

STAFF REPORT

To: Public Safety Committee Date: September 26, 2016
Via: Gary Jackson, City Manager
From: Ken Putnam, PE, Transportation Department Director
Subject: Volunteer Parking Enforcement Programs

Summary Statement: The Transportation Department and the Asheville Police Department received an e-mail message during December 2015 asking that volunteers be used to help enforce all parking violations. This message came as a result of our annual advertisement for volunteers.

Review: Staff was asked to review the subject suggestion and share the results with the Public Safety Committee.

Background on City's Current Program: The city has a citizen volunteer parking enforcement program for certain types of parking violations. This program was initially established in 1993 pursuant to Article V of Chapter 19 of the Code of Ordinances; specifically, 19-149, which authorizes the City Manager to designate all such persons to enforce parking violations. According to the official minutes, the intent of the program was to enforce parking in designated handicapped parking spaces without displaying a valid placard or license tag within shopping centers, grocery stores, and lumber/building supply stores, etc.

The City advertises and offers training annually and at this time, there are 8 to 10 trained volunteers. The primary purpose of the program is to educate drivers about the importance of keeping these parking spaces open to those citizens who truly need them. It is not intended to be a revenue generating program! In fact, the City does not keep any of the collected fees; they are submitted to the two local school systems as set forth by state law (during fiscal year 2015-16, a total of \$71,971 was collected and submitted to these school systems).

Volunteers can only be used to enforce parking violations involving civil penalties. For parking violations that constitute a criminal infraction/misdemeanor, the city cannot designate that authority to volunteers; they can only be enforced by law enforcement. The difference between handicapped and other parking violations is that handicapped violations can be enforced either criminally under state law or civilly under the city's ordinances.

Potential Program Expansion:

Although some cities in other states have programs that use volunteers to issue parking citations, staff is not aware of any cities in North Carolina using that model.

Staff is concerned about expanding the current volunteer enforcement program to include violations within the public right-of-way. This concern is due to the need for appropriate training and continuous oversight to ensure that enforcement is accomplished fairly and proportionally throughout the city. Additionally, in order to accomplish fair and equitable coverage, the

volunteers would be assigned to designated areas away from their homes or neighborhoods, creating a challenge for sustaining an expanded program.

Action Step: No action is requested.

Please let me know if additional information is needed.

KP/



MEMORANDUM TO: Public Safety Committee

FROM: Paul Fetherston, Assistant City Manager

VIA: Gary Jackson, City Manager

DATE: September 19, 2016

SUBJECT: Downtown Public Space Management PowerPoint and Ordinance Revisions

The attached draft PowerPoint reflects the short term Downtown Public Space Management pilot proposals, which incorporate options discussed with the Public Safety Committee at the August 2016 meeting and additional stakeholder feedback. Draft ordinance revisions, which will be adjusted based on direction from the Committee, (such as distances, locations, size, etc., are also attached.

PJF/jac

DOWNTOWN PUBLIC SPACE MANAGEMENT



Public Safety Committee Meeting – September 26, 2016

DOWNTOWN PUBLIC SPACE MANAGEMENT PURPOSE

- Maximize Public Safety
- Maximize the Downtown Experience



OVERVIEW OF SHORT TERM PILOT

- **High Traffic Area – Locations?**

- Flat Iron Sculpture at Battery Park/Wall Street
- Haywood Street in front of Woolworth Walk
- College/Haywood (in front of Spiritex)

- **Enforcement Components**

- Performances allowed in designated performance areas (artistic symbol on the surface)
- No other performances would be allowed within a designated distance
- Ordinance amendments required in these areas
- Other performance areas and regulations not impacted



OVERVIEW OF SHORT TERM PILOT

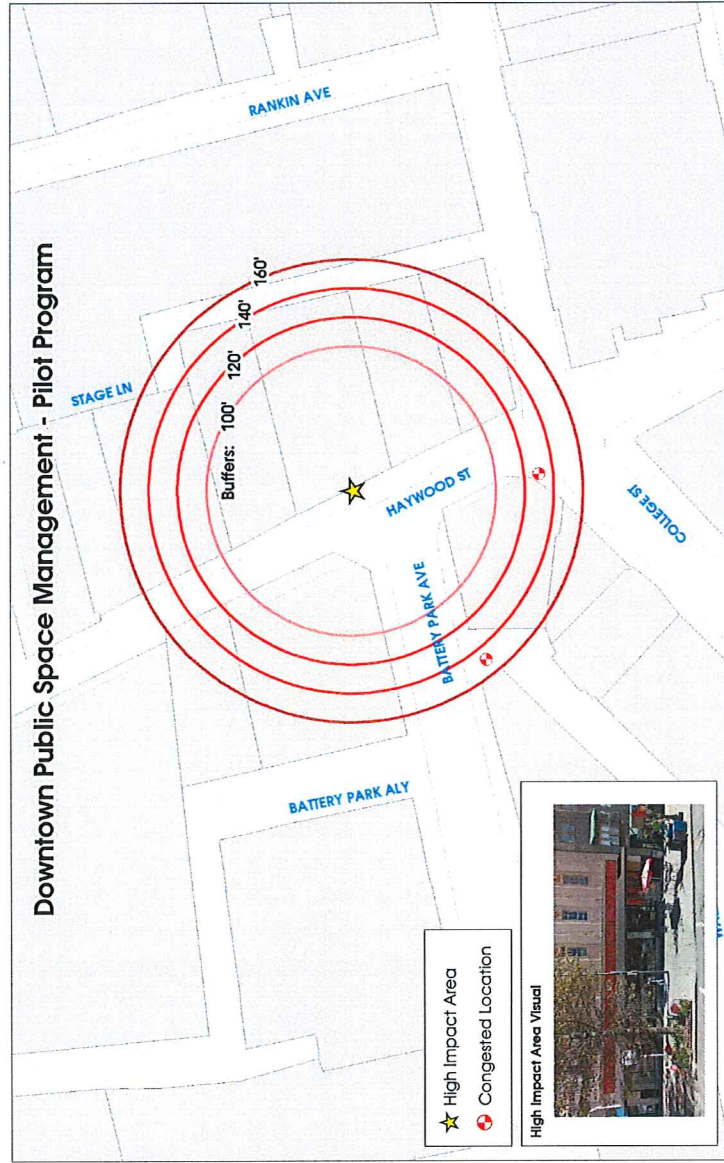
Distances between performances

Location	Recommended	Distance
Woolworth Walk	120'	140' Eliminates Spiritex
Flat Iron Sculpture	120'	140' Eliminates Woolworth Walk
Haywood/ College (Spiritex)	120'	Eliminates other Wall Street corner 140' Eliminates Woolworth Walk and Spiritex



OVERVIEW OF SHORT TERM PILOT

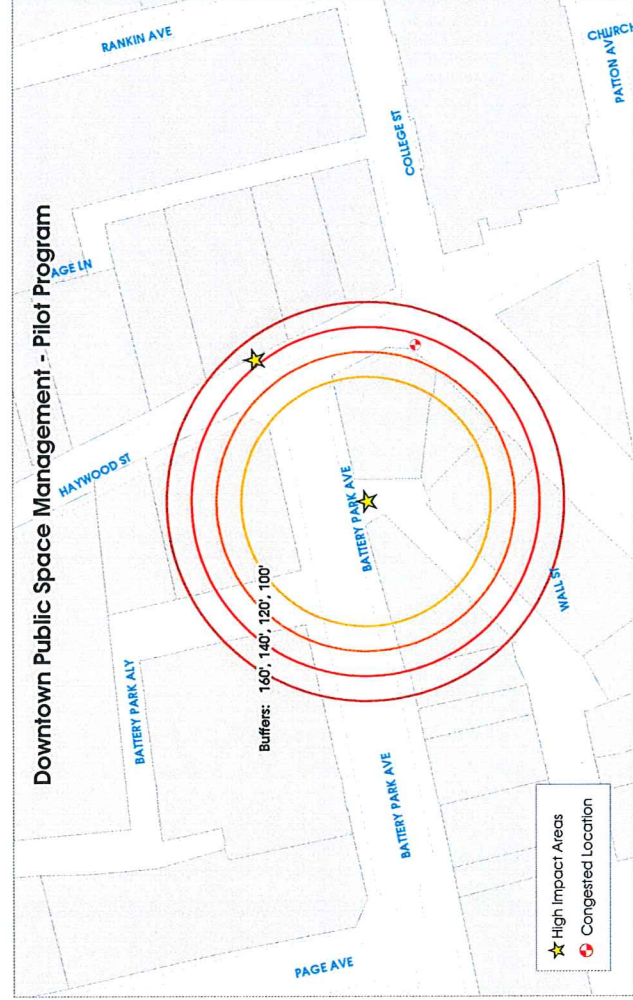
Location	Recommended	Distance
Woolworth Walk	120'	140' Eliminates Spirited



OVERVIEW OF SHORT TERM PILOT

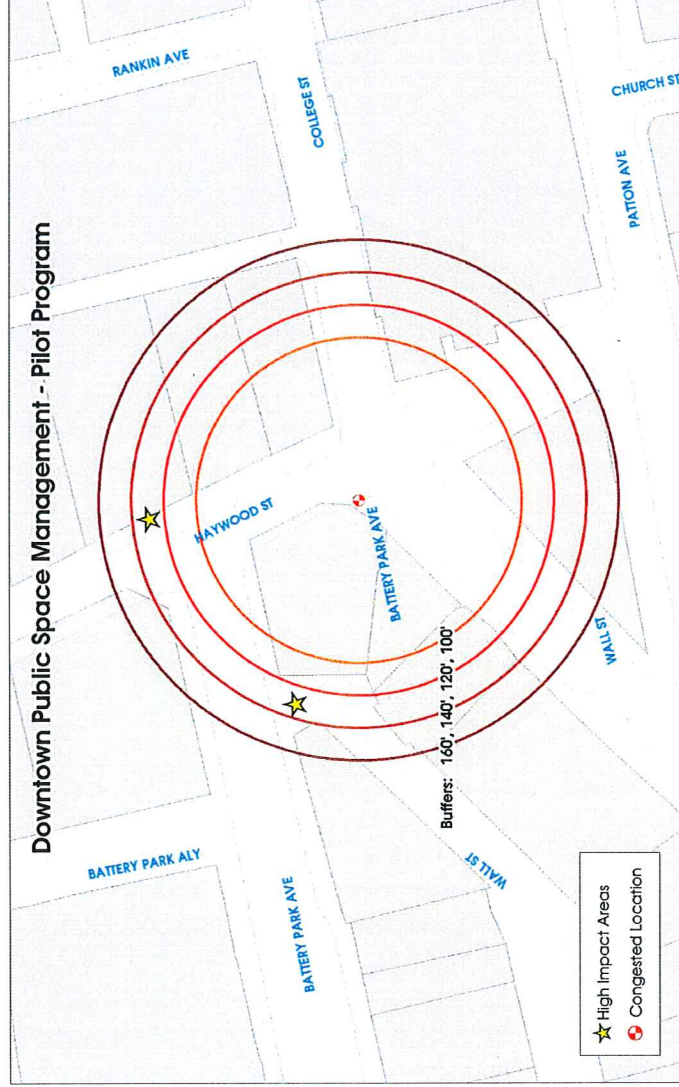
Location	Recommended	Distance
Flat Iron Sculpture	120'	140' Eliminates Woolworth Walk

Eliminates other Wall Street corner



OVERVIEW OF SHORT TERM PILOT

Location	Recommended	Distance
Haywood/ College (Spiritex)	120'	140' Eliminates Woolworth Walk and Spiritex



OVERVIEW OF SHORT TERM PILOT

Size of designated performance spaces

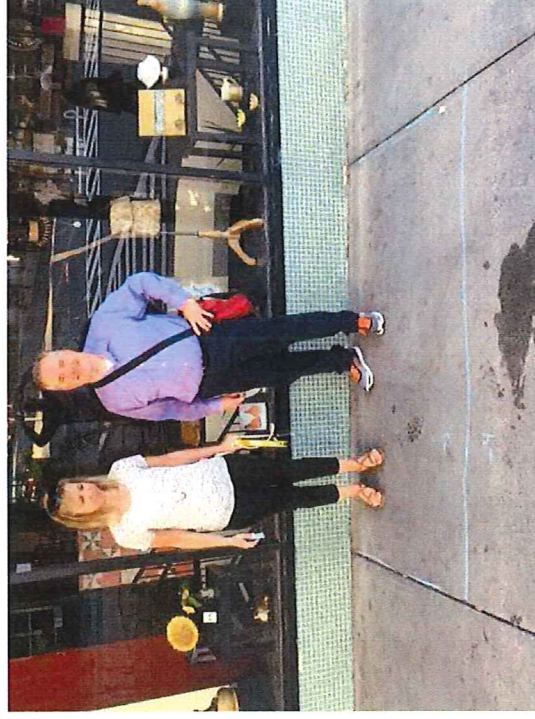
Location	Minimum Size	Maximum Size - Recommended
Woolworth Walk	3.5' x 7'	4' x 7'
Flat Iron Sculpture	3.5' x 8' x 7'	4' x 8' x 7'
Haywood/ College (Spiritex)	9' x 5'	10' x 6'



OVERVIEW OF SHORT TERM PILOT

Size of designated performance spaces

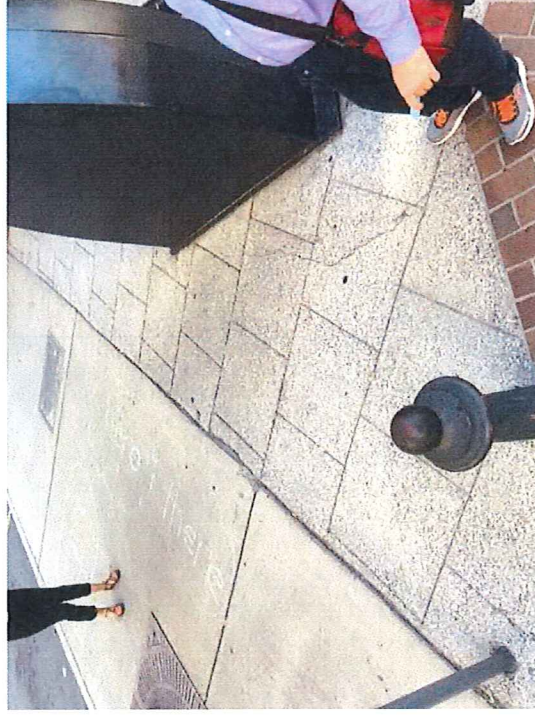
Location	Minimum Size	Maximum Size
Woolworth Walk	3' x 7'	4' x 7'



OVERVIEW OF SHORT TERM PILOT

Size of designated performance spaces

Location	Minimum Size	Maximum Size
Flat Iron Sculpture	3.5'x8'x7'	4'x8'x7'



OVERVIEW OF SHORT TERM PILOT

Size of designated performance spaces

Location	Minimum Size	Maximum Size
Haywood/ College (Spiritex)	9'x5'	10'x6'



OVERVIEW OF SHORT TERM PILOT

Matrix of Short Term Pilot Options

	Enforcement	Non-enforcement
Location (number?)	X	
Designated Space (including size)	X	
Minimum Distances	X	
Ordinance revisions to reflect above	X	
Duration	1 year with check ins every 6 month	



DOWNTOWN PUBLIC SPACE MANAGEMENT SHORT TERM PILOT

- Performance Metrics regarding pilot



DOWNTOWN PUBLIC SPACE MANAGEMENT



Public Safety Committee Meeting – September 26, 2016

Sec. 16-141. – Definitions.

[Add]

High Impact Area means an area identified in Appendix H of this code within which sidewalk entertainment is prohibited outside of a designated Performance Space.

Performance Space means a space, designated by a marking by the City on the sidewalk, within which performers of sidewalk entertainment may conduct performances within High Impact Areas.

[Amend]

Sidewalk entertainment means performances which may include, but not be limited to, music, dance, mimes, magicians, clowns, jugglers and theatrical presentations, but specifically excluding speeches, lectures, and sermons.

Sec. 16-145. - Performers of sidewalk entertainment.

[Delete existing language and replace with the following]

Findings

- (1) Artistic performances on city sidewalks are a vital and welcome part of Asheville's unique character and culture.
- (2) Street performances are distinguished from panhandling activities by the commercial nature of the performer's actions which provide the benefit of a live performance of artistic value in exchange for gratuities given in appreciation of the performance.
- (3) Persons have a right to perform on public property, but those performances can cause adverse impacts to the community in the form of gathering crowds attracted to the entertainment offered in locations where there is insufficient room for crowds; blocked sidewalks; blocked ingress and egress of buildings; the risk of disrupting nearby motor vehicle traffic; and/or disturbance of the quiet enjoyment of residents and businesses.
- (4) Such adverse impacts can be mitigated or alleviated through minimally intrusive regulation of the time, place, and/or manner in which such performances may occur. Such regulation ensures the ability of street performers to perform in public spaces and promotes harmony among street performers, local businesses, permitted event sponsors, and residents and visitors by balancing the interests of performing artists with the public's safety.

(A) General Requirements

Unless prohibited elsewhere in this code, performers of sidewalk entertainment may utilize sidewalks for performances subject to the following conditions:

1. Performances must not violate the prohibitions on disturbing, annoying and unnecessary noise as set forth in Article IV of Chapter 10 of the City Code.
2. Performances must not violate the prohibitions on solicitation as set forth in City Code sections 11-5 and 11-14.
3. Performances must not obstruct, or cause to be obstructed, pedestrian or vehicular traffic, including but not limited to, not obstructing or causing to be obstructed sidewalks, doorways or other access areas. Performances must provide a minimum of six (6) feet for pedestrian passageway. Performances must cease if persons are observing a performance from a street.
4. No performer may sell, display or exhibit any tangible good on any city sidewalk. This prohibition includes the exchange of any goods, wares, merchandise, mechanical devices, animals, or any article of any kind whatsoever, by whatever name called, in exchange for a fixed or non-fixed price.
5. Performances must only take place between the hours of 10:00 a.m. and 10:00 p.m.
6. Performers of sidewalk entertainment must not consume or be under the influence of alcoholic beverages or other controlled substances.
7. Performances, outside of High Impact Areas identified in Appendix H, must not take place any closer than 40 feet from another performance.
8. Performances must not take place at locations designated for a community event or festival, unless permitted to play at the community event or festival by the event or festival coordinator, pursuant to section 16-97 of the City Code.
9. Performances must comply with all applicable federal, state and local laws, including but not limited to, ordinances concerning noise regulation.
10. Performances involving the use of knives, swords, torches, axes, saws (except non-powered saws used solely as musical instruments), fire or other potentially dangerous objects or that involve acrobatics, tumbling, or other inherently dangerous activities are prohibited.

(B) Special Requirements in High Impact Areas

1. In addition to the general requirements set forth above, the following conditions shall apply at any location designated as a High Impact Area as identified in Appendix H:
 - a) All performances must take place only within designated performance spaces. No other performance may take place within 140 feet of any designated performance space.
 - b) All performers associated with a performance must remain entirely within the performance space.
 - c) No equipment or personal items belonging to, or in the custody, possession or control of any performer may protrude beyond the performance space.
 - d) No equipment or personal items may be present in the performance space if a performer is not also present in the performance space. All equipment and personal items must be removed from the performance space at the conclusion of each performance. Any personal items left unattended in a performance space by a person or group not physically present and preparing to perform, performing, or diligently removing equipment from a performance space following a performance will be deemed abandoned and may be disposed of by City personnel.

APPENDIX H – DESIGNATED STREET PERFORMANCE HIGH IMPACT AREAS

1. **“WOOLWORTH WALK”** - One hundred (140) feet in all directions from the center of a mark on the sidewalk adjoining the eastern side of Haywood Street approximately [Distance] feet north of the intersection of Haywood and College Streets.